

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

April 14, 2011

OFFICE OF  
MANAGING DIRECTOR

Dan J. Alpert, Esq.  
The Law Office of Dan J. Alpert  
2120 N. 21<sup>st</sup> Road  
Arlington, VA 22201

RE: Station W249CC  
FY 2010 Regulatory Fee Waiver Request  
Filed 8-27-10  
Fee Control No. RROG-10-00013454  
Regulatory Fee Amount: \$ 415.00  
Date Regulatory Fee Paid: 8-17-10

Dear Mr. Alpert:

This letter responds to your request, referenced above, for waiver of regulatory fees ("Regulatory Fees"). Our records reflect that this fee has been paid. For the reasons stated herein, we grant your request.

Our records reflect that you filed for Special Temporary Authority (STA) for the above-referenced ("Station") to remain silent prior to the due date of the Regulatory Fees in question, and that the station was still silent on the due date for filing the Regulatory Fees in question.

The Commission has determined that the imposition of a regulatory fee could be an impediment to the restoration of service by dark stations and that it therefore would waive the fee requirement for stations which have ceased operation.<sup>1</sup> Because our records reflect that you were not operating the Station on the date that the Regulatory Fees in question were due, we grant the request for waiver of the Regulatory Fee

A check made payable to the maker of the original check, and drawn in the amount of \$415.00, will be sent at the earliest practicable time.

If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark Stephens  
Chief Financial Officer

<sup>1</sup> *Memorandum Opinion and Order in MD Docket No. 94-19*, FCC 95-257, 10 FCC Rcd 12759, 12762 (1995). Broadcast stations that are dark must request permission to suspend operation pursuant to Section 73.1740(a)(4) of the Commission's rules. *Id.*

RR06-10-00013454

The Law Office of

**Dan J. Alpert**

2120 N. 21st Rd.  
Arlington, VA 22201  
DJA@COMMLAW.TV

(703) 243-8690

(703) 243-8692 (FAX)

August 25, 2010

RECEIVED - FCC

AUG 27 2010

Federal Communications Commission  
Bureau / Office

Mr. Steven VanRoekel  
Managing Director  
Federal Communications Commission  
445 12<sup>th</sup> St. S.W.  
Washington, DC 20554

**Re: Station W249CC  
Facility No. 151910  
FRN: 0005877352**

Dear Mr. VanRoekel:

Tugart Properties, LLC, by its attorney, hereby requests a waiver and refund of its 2010 Annual Regulatory Fee. In support thereof, the following is stated.

In the Memorandum Opinion and Order issued with respect to Implementation of Section 9 of the Communications Act, FCC 95-257 (June 22, 1995), the FCC recognized that waiver of the annual Regulatory Fee was appropriate in certain instances, and specifically determined that it would grant waivers to licensees of broadcast stations which are dark (not operating). The Commission recognized that an imposition of regulatory fees could be an impediment to the restoration of broadcast service, and that such it would be unnecessary for such stations to make any further showing to warrant grant of a waiver. Id. at ¶ 15.

Tugart Properties, LLC is licensee of Station W249CC. The station currently is dark. See Attachment. Accordingly, a waiver and refund of the \$415.00 2010 Annual Regulatory Fee that has been paid is appropriate.

**WHEREFORE**, it respectfully is requested that this request be granted.

Very truly yours,

Dan J. Alpert

*Counsel for Tugart Properties, LLC*

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D. C. 20554

IN REPLY REFER TO:  
1800B3-KLJ

June 7, 2010

Douglas M. Sutton, Jr.  
Tugart Properties, LLC  
P. O. Drawer E  
Toccoa, GA 30577

In re: W249CC, Toccoa, GA  
Facility ID No. 151910  
Silent Since March 4, 2010

Request For Special Temporary  
Authority To Remain Silent

Dear Mr. Sutton:

This letter concerns the request, filed on April 6, 2010, on behalf of Tugart Properties, LLC ("Tugart"), for Special Temporary Authority to permit FM Translator Station W249CC to remain silent.

Tugart's request states that W249CC went silent on March 4, 2010, due to the station's relocation to a new site and its pending grant of modification of construction permit application BMPFT-20100301ABN. Tugart's request includes the appropriate certification regarding Section 5301 of the Anti-Drug Abuse Act of 1988<sup>1</sup>

Tugart's request will be granted. Accordingly, Special Temporary Authority is granted to permit Station W249CC to remain silent not to exceed 180 days from the date of this letter. **Notwithstanding the grant of this Special Temporary Authority, the broadcast license for W249CC will automatically expire as a matter of law if broadcast operations do not commence by 12:01 a.m. , March 5, 2011.**<sup>2</sup> See Section 312(g) of the Communications Act, 47 U.S.C. Section 312(g).

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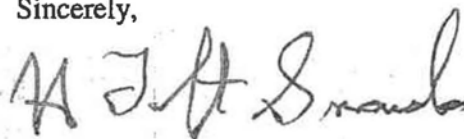
<sup>1</sup> In the event extension of Special Temporary Authority is sought, please renew the certification in this manner.

<sup>2</sup> Notification of resumption of broadcast operations must be mailed to:

Federal Communications Commission  
Attn: 1800B3-DW, Room 2-B450  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

The station's silent status does not suspend the licensee's obligation to comply with all other relevant Commission rules, including the filing, when appropriate, of applications for renewal of broadcast license. Finally, we note that it is imperative to the safety of air navigation that any prescribed painting and illumination of the station's tower shall be maintained until removed. *See* 47 C.F.R. Sections 17.6 and 73.1740(a)(4).

Sincerely,

A handwritten signature in dark ink, appearing to read "H. Taft Snowdon". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

H. Taft Snowdon  
Supervisory Attorney  
Audio Division  
Media Bureau

cc: Dan J. Alpert, Esq.

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

MAR 16 2011

OFFICE OF  
MANAGING DIRECTOR

Dan J. Alpert, Esq.  
The Law Office of Dan J. Alpert  
2120 N. 21<sup>st</sup> Road  
Arlington, VA 22201

Re: Station WQMS(AM)  
FY 2010 Regulatory Fee Waiver Request  
Filed 9-2-10  
Fee Control No. RROG-10-00013144  
Regulatory Fee Amount: \$ 575.00  
Date Regulatory Fee Paid: 8-28-10

Dear Mr. Alpert:

This letter responds to your request, referenced above, for waiver of regulatory fees ("Regulatory Fees"). Our records reflect that this fee has been paid. For the reasons stated herein, we grant your request.

Our records reflect that you filed for Special Temporary Authority (STA) for the above-referenced ("Station") to remain silent prior to the due date of the Regulatory Fees in question, and that the station was still silent on the due date for filing the Regulatory Fees in question.

The Commission has determined that the imposition of a regulatory fee could be an impediment to the restoration of service by dark stations and that it therefore would waive the fee requirement for stations which have ceased operation.<sup>1</sup> Because our records reflect that you were not operating the Station on the date that the Regulatory Fees in question were due, we grant the request for waiver of the Regulatory Fee

A check made payable to the maker of the original check, and drawn in the amount of \$575.00, will be sent at the earliest practicable time.

If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark Stephens  
Chief Financial Officer

<sup>1</sup> *Memorandum Opinion and Order in MD Docket No. 94-19, FCC 95-257, 10 FCC Rcd 12759, 12762 (1995).* Broadcast stations that are dark must request permission to suspend operation pursuant to Section 73.1740(a)(4) of the Commission's rules. *Id.*



RECEIPTS DETAIL REPORT  
SORTED BY TRANSACTION DATE, CD No., FEE CONTROL No.

CD No.	CD DATE	FEE CONTROL No.	FRN	PAYER NAME	TRANSACTION DATE	RECEIPT AMOUNT
441751	8/28/10	1003777588	0003777588	Dan J Alpert	8/28/10	\$22,200.00
PTC: 1069	Seq:	1 Call Sign: WHS614	FCC Code 1:	FCC Code 2:	Tin Number:	
Applicant Name: KSKD, INC.	QTY:	1 Applied Amt:	10.00	Held for Credit:	Refund Amount:	\$0.00
Address: 4043 GEER RD.						
PTC: 1069	Seq:	2 Call Sign: WHS614	FCC Code 1:	FCC Code 2:	Tin Number:	
Applicant Name: KSKD, INC.	QTY:	1 Applied Amt:	10.00	Held for Credit:	Refund Amount:	\$0.00
Address: 4043 GEER RD.						
PTC: 1069	Seq:	3 Call Sign: WQAK817	FCC Code 1:	FCC Code 2:	Tin Number:	
Applicant Name: KSKD, INC.	QTY:	1 Applied Amt:	10.00	Held for Credit:	Refund Amount:	\$0.00
Address: 4043 GEER RD.						
PTC: 1042	Seq:	4 Call Sign: KSKD	FCC Code 1: 1009	FCC Code 2: CA, LIVINGSTON	Tin Number:	
Applicant Name: KSKD, INC.	QTY:	1 Applied Amt:	1325.00	Held for Credit:	Refund Amount:	\$0.00
Address: 4043 GEER RD.						
PTC: 1036	Seq:	5 Call Sign: KEWI	FCC Code 1: 4839	FCC Code 2: AR BENTON	Tin Number:	
Applicant Name: LANDERS BROADCASTING CO, INC	QTY:	1 Applied Amt:	875.00	Held for Credit:	Refund Amount:	\$0.00
Address: 115 SO. MAIN ST.						
PTC: 1016	Seq:	6 Call Sign: KANM	FCC Code 1: 164213	FCC Code 2: NM, SKYLINE-GANIPA	Tin Number:	
Applicant Name: TANGO RADIO, LLC	QTY:	1 Applied Amt:	675.00	Held for Credit:	Refund Amount:	\$0.00
Address: 2801 VIA FORTUNA						
PTC: 1016	Seq:	7 Call Sign: KNOS	FCC Code 1: 164214	FCC Code 2: TX, ALBANY	Tin Number:	
Applicant Name: TANGO RADIO, LLC	QTY:	1 Applied Amt:	675.00	Held for Credit:	Refund Amount:	\$0.00
Address: 2801 VIA FORTUNA						
PTC: 1016	Seq:	8 Call Sign: KKUL-FM	FCC Code 1: 164216	FCC Code 2: TX, TRINITY	Tin Number:	
Applicant Name: TANGO RADIO, LLC	QTY:	1 Applied Amt:	675.00	Held for Credit:	Refund Amount:	\$0.00
Address: 2801 VIA FORTUNA						
PTC: 1016	Seq:	9 Call Sign: KXOW	FCC Code 1: 164189	FCC Code 2: OK, ELDORADO	Tin Number:	
Applicant Name: JAMES FALCON	QTY:	1 Applied Amt:	675.00	Held for Credit:	Refund Amount:	\$0.00
Address: ADDRESS INFORMATION IS PRIVATE						
PTC: 1016	Seq:	10 Call Sign: DKTSX	FCC Code 1: 164191	FCC Code 2: TX, KNOX CITY	Tin Number:	
Applicant Name: JAMES FALCON	QTY:	1 Applied Amt:	675.00	Held for Credit:	Refund Amount:	\$0.00
Address: ADDRESS INFORMATION IS PRIVATE						
PTC: 1016	Seq:	11 Call Sign: KAHA	FCC Code 1: 164193	FCC Code 2: TX, OLNEY	Tin Number:	
Applicant Name: JAMES FALCON	QTY:	1 Applied Amt:	675.00	Held for Credit:	Refund Amount:	\$0.00
Address: ADDRESS INFORMATION IS PRIVATE						
PTC: 1042	Seq:	12 Call Sign: KZAM	FCC Code 1: 164195	FCC Code 2: TX, PLEASANT VALLEY	Tin Number:	
Applicant Name: JAMES FALCON	QTY:	1 Applied Amt:	1325.00	Held for Credit:	Refund Amount:	\$0.00
Address: ADDRESS INFORMATION IS PRIVATE						
PTC: 1016	Seq:	13 Call Sign: DKZNO	FCC Code 1: 164196	FCC Code 2: TX, SEYMOUR	Tin Number:	
Applicant Name: JAMES FALCON	QTY:	1 Applied Amt:	675.00	Held for Credit:	Refund Amount:	\$0.00
Address: ADDRESS INFORMATION IS PRIVATE						
PTC: 1016	Seq:	14 Call Sign: KXME	FCC Code 1: 164197	FCC Code 2: TX, WELLINGTON	Tin Number:	
Applicant Name: JAMES FALCON	QTY:	1 Applied Amt:	675.00	Held for Credit:	Refund Amount:	\$0.00
Address: ADDRESS INFORMATION IS PRIVATE						
PTC: 1067	Seq:	15 Call Sign: W40BU	FCC Code 1: 125056	FCC Code 2: FL PANAMA CITY	Tin Number:	
Applicant Name: RALPH FYTTON	QTY:	1 Applied Amt:	415.00	Held for Credit:	Refund Amount:	\$0.00

**CHECKLIST TO ACCOMPANY REQUESTS FOR FEE RELIEF FORWARDED FROM  
OMD TO OGC FOR REVIEW**

**Acme Broadcasting South, Inc.      RROG-00-00013144**

**1. Request for Waiver of Regulatory Fees**

Fiscal Year at Issue: 2010

Total regulatory fee amount at issue: \$575.00

If there are multiple stations at issue, please also identify the stations and the individual associated fees: \_\_\_\_\_

Was the regulatory fee paid? Yes If so, when: 08/28/2010

Total late penalty amount at issue: \_\_\_\_\_

If there are multiple stations at issue, please also identify the stations and the individual associated penalties: \_\_\_\_\_

Was the penalty paid? Yes: \_\_\_ No: \_\_\_ If so, when: \_\_\_\_\_

Ann M-

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

OFFICE OF  
MANAGING DIRECTOR

May 3, 2011

Ms. Helen Harp  
WWSJ Radio, PD  
815 Maryland, NE  
Grand Rapids, MI 49505

Re: WWSJ(AM)  
FY 2010 Regulatory Fee  
Fee Control No. RROG-10-00013032

Dear Ms. Harp:

This letter responds to your request dated August 30, 2010 (*Request*), for a waiver of the Fiscal Year (FY) 2010 regulatory fee for Station WWSJ (AM) on the grounds of financial hardship. Our records reflect that you have not paid the \$875.00 FY 2010 regulatory fee and that you did not petition for deferral of payment. Accordingly, as provided for in our rule,<sup>1</sup> we dismiss your incomplete request; however, even if your request had been complete, for the separate reasons stated herein, we deny your request, and require that you pay the regulatory fee and the accrued penalty.

You assert that the station "suffered a los[s] of sixty percent of advertising business [for] fiscal year 2009. Due to severe economic hardship the station is unable to pay [its] regulatory fees."<sup>2</sup> You submitted Schedule C from Larry Harp's Form 1040, U.S. Individual Income Tax Return for calendar year 2009 (*Schedule C, 2009 Tax Return*).<sup>3</sup>

In establishing a regulatory fee program, the Commission recognized that in certain instances payment of a regulatory fee may impose an undue financial hardship upon a licensee. The Commission therefore decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of financial hardship."<sup>4</sup> In reviewing a showing of financial hardship, the Commission relies upon a licensee's cash flow, as opposed to the entity's profits, and considers whether the station lacks sufficient funds to pay the regulatory fee and maintain service to

<sup>1</sup> 47 C.F.R. § 1.1166(c) Petitions for waiver of a regulatory fee must be accompanied by the required fee and FCC Form 159. Submitted fees will be returned if a waiver is granted. Waiver requests that do not include the required fees or forms will be dismissed unless accompanied by a petition to defer payment due to financial hardship, supported by documentation of the financial hardship.

<sup>2</sup> *Request* at 1.

<sup>3</sup> *Id.*, Attachment.

<sup>4</sup> *Report and Order in MD Docket No. 94-19*, FCC 94-140, 9 FCC Rcd 5333, 5346 (1994).

0007679590



the public.<sup>5</sup> Thus, even if a station loses money, any funds paid to principals and deductions for depreciation or amortization are considered funds available to pay the fees.

The *Schedule C, 2009 Tax Return* indicates that WWSJ(AM) had a net profit of \$16,202 for calendar year 2009. We therefore find that the station had adequate revenues with which to pay the FY 2010 \$875.00 regulatory fee, and we deny your request for waiver of the FY 2010 regulatory fee on the grounds of financial hardship. In addition, because you did not pay the regulatory fee or request deferment of payment, under 47 U.S.C. § 159(c), we are required to assess a penalty of twenty-five percent (25%) of the amount of the fee that was not paid in a timely manner.

Payment of the FY 2010 regulatory fee and the penalty are now due. The regulatory fee should be filed together with a Form FCC 159 (copy enclosed) within 30 days from the date of this letter. If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Stephens', written over a horizontal line.

Mark Stephens  
Chief Financial Officer

Enclosure

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<sup>5</sup> *Memorandum Opinion and Order in MD Docket No. 94-19.*

## Incoming Communication Tracking - Entry Screen

Tracking Number  Date Received   
File Number  Date Filed   
Date Completed

### Letters Sent

2 day ☐  
30 day ☐  
60 day ☐  
60 day (2) ☐

### General Information

Source	<input type="text" value="Email"/>	Call Sign	<input type="text" value="WWSJ"/>
Program	<input type="text" value="Regulatory Fee"/>	FCC Code 1	<input type="text"/>
Communication Type	<input type="text" value="Waiver of Rules"/>	FCC Code 2	<input type="text"/>
Bureau	<input type="text" value="OMD"/>	Licensing System	<input type="text"/>
Secondary Bureau	<input type="text"/>	Wavier Amount	<input type="text" value="\$0.00"/>

### Applicant/Contact Information

FRN	<input type="text" value="0007679590"/>		
Applicant Name	<input type="text" value="Larry &amp; Helen Harp, Wayne &amp; Elmira Hill"/>		
Address 1	<input type="text" value="815 Maryland NE"/>		
Address 2	<input type="text"/>		
City, State Zip	<input type="text" value="Grand Rapids"/>	<input type="text" value="MI"/>	<input type="text" value="49505"/>
Contact Name	<input type="text" value="Larry Harp"/>	Additional FRN	<input type="text"/>
Contact Phone	<input type="text" value="(989) 224-7911"/>	Additional Name	<input type="text"/>

### Assignment/Status Information

Assigned To	<input type="text" value="PEROT"/>	Disposition Status	<input type="text" value="Open"/>
Assigned To POC	<input type="text" value="Dee Purnell"/>	Outcome	<input type="text"/>
RE	<input type="text" value="Requesting a Waiver of FY2010 regulatory fees"/>	Filer ID	<input type="text"/>
Date Assigned	<input type="text" value="9/2/2010"/>	Bill Number	<input type="text"/>
Reassigned To	<input type="text" value="Paul Cascio"/>	Fee Control Number	<input type="text"/>
Date Reassigned	<input type="text" value="3/23/2011"/>		
2nd Reassigned To	<input type="text"/>		
2nd Date Reassigned	<input type="text"/>		

### Assignment/Status Information

Comments

Mr Harp is requesting a waiver due to economic hardship. Please see attached documents of their request.

RR 06-10-00013032

August 30, 2010

Federal Communications Commission  
FCC Regulatory Fees  
Room 1-A720  
Washington, DC 20554

To whom it may concern:

WWSJ Radio is a Christian urban gospel radio station located in St. Johns, Michigan (arbitron market is #127). During this recession the state of Michigan is one of the most effected states in the nation with a high employment rate of fifteen percent (15%). Our own station has suffered a lost of sixty percent of advertising business fiscal year 2009. Due to severe economic hardship the station is unable to pay our regulatory fees. Therefore, we are asking the FCC to grant us exemption status. Attached as proof is our 2009 tax returns showing revenue. We also would like to inquire if the FCC has received any stimulus money that is available to female minority owned and operated stations.

Thank you for your consideration in this matter. We look forward to a respond soon.

Sincerely,

Helen Harp  
WWSJ Radio, PD

HH/dhb

**Monique Goodman**

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**From:** ARINQUIRIES  
**Sent:** Monday, August 30, 2010 1:55 PM  
**To:** Monique Goodman  
**Subject:** FW: Notice ID 12780 for Facility 74002  
**Attachments:** Notice ID 12780 WWSJ Exemption Request.pdf

Stephen M. French  
Protiviti Government Services  
OMD-Financial Operations  
Office: 2-A629  
Direct Line: 202-418-1878  
Fax: 202-418-7869

---

**From:** larry harp [mailto:joy1580@sbcglobal.net]  
**Sent:** Monday, August 30, 2010 1:20 PM  
**To:** ARINQUIRIES  
**Subject:** Notice ID 12780 for Facility 74002

WWSJ Facility ID #74002 hereby request exemption status for regulatory fees due to economic hardship. Please see attached documentation.

Thank you  
Larry & Helen Harp

8/31/2010





Federal Communications Commission  
FCC Regulatory Fees  
Room 1-A720  
Washington, DC 20554

July 23, 2010

LARRY & HELEN HARP, WAYNE & ELMIRA HILL  
815 MARYLAND NE  
GRAND RAPIDS, MI 49505

FRN# 0007679590  
Tel# 989-224-7911  
Joy580@msn.com

Notification ID: 12780

Dear Regulatee:

Each year, Congress directs the Federal Communications Commission (FCC) to collect annual regulatory fees from FCC regulatees under the authority of the Communications Act of 1934. Media services regulatees pay these fees based upon October 1, 2009 station class and population served information for radio stations, and market rank for TV stations. Attached to this notification is a listing of your broadcast facilities, along with the data that were used to determine each facility's fee category and fee amount.

All regulatees are required to file their regulatory fees on-line using the Commission's Fee Filer website at: [www.fcc.gov/fees/feefiler.html](http://www.fcc.gov/fees/feefiler.html). Regulatees must access Fee Filer with a valid CORES FRN and password. If payment is made by check or money order (as opposed to paying electronically in Fee Filer), a Form 159-E generated from Fee Filer must accompany the payment and submitted by the due date of **August 31, 2010** to:  
**By Regular Mail:** FCC Regulatory Fees, P.O. Box 979084, St. Louis, MO 63197-9000  
**By Courier:** U.S. Bank, Government Lock Box 979084, 1005 Convention Plaza, St. Louis, MO 63101.

If you received this notification and believe you are exempt from paying regulatory fees, you must provide documentation establishing the basis for your exemption. Documentation must be received by the above due date. Submit your documentation electronically to [ARINQUIRIES@FCC.GOV](mailto:ARINQUIRIES@FCC.GOV) or mail the documents to: FCC, Office of the Managing Director, 445 12<sup>th</sup> Street, S.W., Room 1-A625, Washington, DC, 20554. Acceptable documentation may include a copy of your IRS determination letter showing your IRS section 501(c) tax exemption status, state or government certifications, or proof of your station's non-commercial educational (NCE) broadcast status.

Note that we did not mail fee assessment notifications regarding broadcast auxiliary stations. Therefore, if you hold broadcast auxiliary licenses, remember to also include payment for each of them as well (Payment Type Code is 1069; fee amount is \$10 per auxiliary license).

Finally, as part of our initiative to emphasize electronic filing and reduce paper usage, starting next year, we will no longer mail these fee notification assessments to media licensees. Instead, the Commission will rely more on its various websites, including the [www.fccfees.com](http://www.fccfees.com) website.

If you have questions concerning paying your fee, call (877) 480-3201, Option 4. For more information on FCC regulatory fees, go to [www.fcc.gov/fees/regfees.html](http://www.fcc.gov/fees/regfees.html).

## FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

MAR 16 2011

OFFICE OF  
MANAGING DIRECTOR

Susan L. Uecker, Receiver  
100 Pine Street, Suite 475  
San Francisco, CA 94111

Re: Station KTRB  
FY 2010 Regulatory Fee Waiver Request  
Filed 10-18-10  
Fee Control No. RROG-10-00013304  
Regulatory Fee Amount: \$ 6,475.00  
Late Penalty Amount: \$ 1,618.75  
Date Regulatory Fee Paid: 10-6-10  
Date Late Penalty Paid: 10-6-10

Dear Ms. Uecker:

This letter responds to the above-referenced request for waiver of regulatory fees filed on the grounds of financial hardship. Our records reflect that the Regulatory Fee at issue has been paid. For the reasons stated herein, your waiver request is granted.

The Commission has determined that it will waive regulatory fees for licensees who are bankrupt or are in receivership at the time the fees are due.<sup>1</sup> Based on the evidence in the record that the licensee was in receivership on the date the regulatory fees were due, we hereby grant the requested waiver.

Because the regulatory fee and associated penalty were paid, a check, made payable to the maker of the original check will be sent at the earliest practicable time. If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark Stephens  
Chief Financial Officer

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<sup>1</sup> See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12762 (1995).



**SUSAN L. UECKER,**  
**RECEIVER**

100 Pine Street, Suite 475  
San Francisco, CA 94111  
Téléphone: 415.362.3440  
Facsimile 415.362.7704  
www.ueckerassoc.com

Received & Inspected

OCT 18 2010

FCC Mail Room

2010 OCT 20 P 3:24

FINANCIAL INSTITUTIONS  
CENTER

October 13, 2010

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW – TW-A325  
Washington, D.C. 20554

RR0G-10-00013304

RE: Station KTRB  
Facility ID No. 66246  
San Francisco, CA

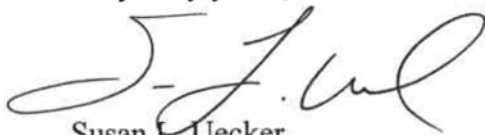
Susan L. Uecker, Licensee FRN ~~002020313~~ - 0020202313

Dear Ms. Dortch:

I was appointed Receiver for KTRB on September 8, 2010. A copy of the Order Appointing Receiver is enclosed. Upon my appointment I was informed that the annual registration fee of \$6,475.00 had not been paid timely. In order to be in compliance, the fee of \$6,475.00 plus penalties of \$1,631.25 was paid by the receivership estate on October 4, 2010 in the total amount of \$8,106.25. A copy of the remittance advise is enclosed for your confirmation. This is a request for a waiver of the penalty and return of the penalty funds to the receivership estate totaling \$1,631.25.

Enclosed is a copy of this letter to be stamped and returned in the enclosed envelope.  
Thank-you for your consideration.

Very truly yours,



Susan L. Uecker  
Receiver  
SLU:ap  
enclosures

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

MAR 18 2011

OFFICE OF  
MANAGING DIRECTOR

Carolyn Blasko  
Director of Finance  
Sure Shot Transmissions, Inc.  
Post Office Box 489  
New Middletown, OH 44442-0489

RE: Sure Shot Transmissions, Inc.  
FY 2010 Late Penalty Waiver Request  
Filed 10-18-10  
Fee Control No. RROG-10-00013302  
Regulatory Fee Penalty Amount: \$ 2,400.00  
Late Penalty Amount: \$ 600.00  
Date Regulatory Fee Paid: 10-13-10  
Date Late Penalty Paid: 10-13-10

Dear Ms. Blasko:

This letter responds to the above-referenced request for waiver of the penalty for late payment of FY 2010 regulatory fees. For the reasons stated herein, your waiver request is denied.

Section 9(a)(1) of the Communications Act states that the Commission "shall assess and collect regulatory fees" to recover the costs of its regulatory activities.<sup>1</sup> Section 9(c)(1) provides that "[t]he Commission shall prescribe by regulation an additional charge which shall be assessed as a penalty for late payment of fees required" by Section 9(a) and that "[s]uch penalty shall be 25 percent of the amount of the fee which was not paid in a timely manner."<sup>2</sup> The Commission's regulations provide that "[a]ny late payment or insufficient payment of a regulatory fee, not excused by bank error, shall subject the regulatee to a 25 percent penalty of the amount of the fee which was not paid in a timely manner."<sup>3</sup> For FY 2010, the deadline for paying regulatory fees was August 31, 2010.<sup>4</sup> You paid the regulatory fee at issue after the due date and therefore failed to meet this obligation.

The Commission has repeatedly held that "[l]icensees are expected to know and comply with the Commission's rules and regulations and will not be excused for violations thereof, absent clear mitigating circumstances."<sup>5</sup> In your request for waiver, you have not

<sup>1</sup> 47 U.S.C. §159(a)(1).

<sup>2</sup> 47 U.S.C. §159(c)(1).

<sup>3</sup> 47 C.F.R. §1.1164.

<sup>4</sup> *Public Notice, FY 2010 Regulatory Fees Due No Later Than August 31, 2010, Eastern Time (ET)*, DA 10-1451, 2010 WL 3133517 (Aug. 9, 2010).

<sup>5</sup> *See Sitka Broadcasting Co., Inc.*, 70 FCC 2d 2375, 2378 (1979), *citing Lowndes County Broadcasting Co.*, 23 FCC 2d 91 (1970) and *Emporium Broadcasting Co.*, 23

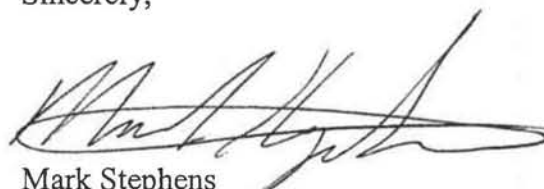
presented circumstances sufficient to mitigate the obligation to pay the regulatory fees at issue by the announced deadline. The Commission has routinely held these circumstances do not constitute clear mitigating circumstances:

- Allegations that the FCC's records contain an incorrect mailing address. The FCC Registration Number (FRN) information (including the entity's address) in the FCC database regarding a licensee is supplied by the licensee. The Commission requires entities to keep FRN information current either by updating the information on-line at the CORES link at [www.fcc.gov](http://www.fcc.gov) or by filing FCC Form 161.<sup>6</sup>
- Assertions that a licensee had staff turnover or a death of a staff member, mailed its fee check to the wrong place, forgot or lost its password to the Fee Filer system, or had an employee who failed to follow directions/made an administrative error.

These situations do support waiver of the Section 9(c)(1) penalty, which is waived "only in the most extraordinary circumstances."<sup>7</sup> The circumstances asserted in your waiver request, as explained above, do not constitute clear mitigating circumstances. Accordingly, your request for waiver and/or reduction of the penalty for late payment of the FY 2010 regulatory fee is denied.

If you have any questions concerning this matter, please call the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Stephens", written over a horizontal line.

Mark Stephens  
Chief Financial Officer

---

FCC 2d 868 (1970); *see also* *NextGen Telephone* (OMD, Apr. 22, 2010); *Istel, Inc.* (OMD, Apr. 22, 2010).

<sup>6</sup> *See* 47 C.F.R. §1.8002(b)(2); *see also* *Amendment of Parts 1, 21, 61, 73, 74 and 76 of the Commission's Rules, Adoption of a Mandatory FCC Registration Number, Report and Order*, 16 FCC Rcd 16138 (2001).

<sup>7</sup> *McLeodUSA Telecommunications Services, Inc., Memorandum Opinion and Order*, 19 FCC Rcd 6587, 6589 (2004) (denying the request for waiver of 25 percent penalty).

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

FILE

OFFICE OF  
MANAGING DIRECTOR

July 18, 2011

Mr. LaTrelle Palhof  
Greene Publishing, Inc.  
Post Office Box 427  
Madison, FL 32341

Re: T. H. Greene, Jr. and M. E. Greene  
FY 2010 Regulatory Fee Penalty Waiver Request  
Filed 5-31-11  
Fee Control No. RROG-10-0013482  
Regulatory Fee Amount: \$ 415.00  
Late Penalty Amount: \$ 103.75  
Date Regulatory Fee Paid: Not Paid  
Date Late Penalty Paid: Not Paid

Dear Mr. Palhof:

This letter responds to the above-referenced request for waiver of the penalty for late payment of FY 2010 regulatory fees that was filed with the Commission on May 31, 2011. For the reasons stated we discuss below, your request for waiver is denied.

Section 9 of the Communications Act, codified at 47 U.S.C. § 159, requires the Commission to “assess and collect regulatory fees” to recover the costs of its regulatory activities,<sup>1</sup> and if the fee is not paid when due, to assess a penalty equal to “25 percent of the amount of the fee which was not paid in a timely manner.”<sup>2</sup> Under 47 C.F.R. §1.1164, “[a]ny late payment or insufficient payment of a regulatory fee, not excused by bank error, shall subject the regulatee to a 25 percent penalty of the amount of the fee . . . which was not paid in a timely manner.”<sup>3</sup> For FY 2010, the deadline for paying regulatory fees was August 31, 2010.<sup>4</sup>

In your request for waiver, you assert that no amount was reported in FCC’s Fee Filer website on March 31, 2011 (well after the fee was due), and that you were unable to determine the amount owed for Station W03A0 until May 27, 2011. That explanation, however, does not present a ground for waiver. On July 9, 2010, the Commission

<sup>1</sup> 47 U.S.C. §159(a)(1).

<sup>2</sup> 47 U.S.C. §159(c)(1).

<sup>3</sup> 47 C.F.R. §1.1164.

<sup>4</sup> *Public Notice, FY 2010 Regulatory Fees Due No Later Than August 31, 2010, Eastern Time (ET)*, DA 10-1451, 2010 WL 3133517 (Aug. 9, 2010).



published the Fiscal Year (FY) 2010 Regulatory Fee Report and Order.<sup>5</sup> Moreover, on August 9, 2010, the Commission published the Public Notice announcing August 31, 2010 as the deadline for paying the FY 2010 fees.<sup>6</sup> Consequently, your argument that you accessed the FCC's Fee Filer website, but were unable to determine a fee and thus unable to comply with the rule is without merit. Licensee's must stay apprised of the FCC's filing requirements and other rules, and your failure to do so here is not a sufficient reason to excuse you from making timely payment of the FY 2010 Regulatory Fee.<sup>7</sup> Ignorance of the rule is not an acceptable excuse.<sup>8</sup>

Similarly, in matters involving forfeiture for failure to comply with the Commission's rules, the Commission has repeatedly held that "[l]icensees are expected to know and comply with the Commission's rules and regulations and will not be excused for violations thereof, absent clear mitigating circumstances."<sup>9</sup> The Commission routinely has held that administrative errors and licensee misfortune are insufficient, e.g.:

- Allegations that the FCC's records contain an incorrect mailing address. The FCC Registration Number (FRN) information (including the entity's address) in the FCC database regarding a licensee is supplied by the licensee. The Commission requires entities to keep FRN information current either by updating the information on-line at the CORES link at [www.fcc.gov](http://www.fcc.gov) or by filing FCC Form 161.<sup>10</sup>
- Assertions that a licensee had staff turnover or a death of a staff member, mailed its fee check to the wrong place, forgot or lost its password to the Fee Filer system, or had an employee who failed to follow directions/made an administrative error.

Your circumstances do not support waiver of the Section 9(c)(1) penalty, which is waived "only in the most extraordinary circumstances."<sup>11</sup> Accordingly, your request for waiver and/or reduction of the penalty for late payment of the FY 2010 regulatory fee is denied.

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<sup>5</sup> *Assessment and Collection of Regulatory Fees for Fiscal Year 2010, Report and Order*, 25 FCC Rcd 9278, 9291 ¶ 37 (July 9, 2010). The Report and Order listed the FY 2010 regulatory fee applicable to your station.

<sup>6</sup> *Public Notice, FY 2010 Regulatory Fees Due No Later Than August 31, 2010, Eastern Time (ET)*, DA 10-1451, 2010 WL 3133517 (Aug. 9, 2010).

<sup>7</sup> See, e.g., *WLOS Licensee, Inc., Order on Reconsideration*, 15 FCC Rcd 11047, 11048 ¶ 4 (WTB PSPWD 2000) (rejecting argument that applicant had insufficient notice of change in fee, because change was announced by public notice and other publicly available information) (citing *Supercom, Inc., Memorandum Opinion and Order*, 15 FCC Rcd 4604, 4607 ¶ 8 (2000); *Empire Broadcasting Corp., Memorandum Opinion and Order*, 25 FCC 2d 68, 69 ¶ 4 (1970)) (mere oversight or failure to be aware of the Commission's requirements will not excuse licensee from its obligation to operate in compliance with the Commission's Rules).

<sup>8</sup> *Supercom, Inc., supra* (ignorance of the Commission's rules is no excuse for noncompliance).

<sup>9</sup> See *Sitka Broadcasting Co., Inc.*, 70 FCC 2d 2375, 2378 (1979), citing *Lowndes County Broadcasting Co.*, 23 FCC 2d 91 (1970) and *Emporium Broadcasting Co.*, 23 FCC 2d 868 (1970); see also *NextGen Telephone* (OMD, Apr. 22, 2010); *Istel, Inc.* (OMD, Apr. 22, 2010).

<sup>10</sup> See 47 C.F.R. §1.8002(b)(2); see also *Amendment of Parts 1, 21, 61, 73, 74 and 76 of the Commission's Rules, Adoption of a Mandatory FCC Registration Number, Report and Order*, 16 FCC Rcd 16138 (2001).

<sup>11</sup> *McLeodUSA Telecommunications Services, Inc., Memorandum Opinion and Order*, 19 FCC Rcd 6587, 6589 (2004) (denying the request for waiver of 25 percent penalty).

If you have not yet paid FY 2010 regulatory fee and late penalties in full, such payment is now due. The payments should be submitted, together with a Form 159 (copy enclosed), within 30 days of the date of this letter. If you have any questions concerning this matter, please call the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Stephens', written over a horizontal line.

Mark Stephens  
Chief Financial Officer

Enclosure



FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

FILE

OFFICE OF  
MANAGING DIRECTOR

July 18, 2011

Mr. LaTrelle Palhof  
Greene Publishing, Inc.  
Post Office Box 427  
Madison, FL 32341

Re: T. H. Greene, Jr. and M. E. Greene  
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Date Regulatory Fee Paid: Not Paid  
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Dear Mr. Palhof:

This letter responds to the above-referenced request for waiver of the penalty for late payment of FY 2010 regulatory fees that was filed with the Commission on May 31, 2011. For the reasons stated we discuss below, your request for waiver is denied.

Section 9 of the Communications Act, codified at 47 U.S.C. § 159, requires the Commission to "assess and collect regulatory fees" to recover the costs of its regulatory activities,<sup>1</sup> and if the fee is not paid when due, to assess a penalty equal to "25 percent of the amount of the fee which was not paid in a timely manner."<sup>2</sup> Under 47 C.F.R. §1.1164, "[a]ny late payment or insufficient payment of a regulatory fee, not excused by bank error, shall subject the regulatee to a 25 percent penalty of the amount of the fee . . . which was not paid in a timely manner."<sup>3</sup> For FY 2010, the deadline for paying regulatory fees was August 31, 2010.<sup>4</sup>

In your request for waiver, you assert that no amount was reported in FCC's Fee Filer website on March 31, 2011 (well after the fee was due), and that you were unable to determine the amount owed for Station W03A0 until May 27, 2011. That explanation, however, does not present a ground for waiver. On July 9, 2010, the Commission

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- Assertions that a licensee had staff turnover or a death of a staff member, mailed its fee check to the wrong place, forgot or lost its password to the Fee Filer system, or had an employee who failed to follow directions/made an administrative error.

Your circumstances do not support waiver of the Section 9(c)(1) penalty, which is waived "only in the most extraordinary circumstances."<sup>11</sup> Accordingly, your request for waiver and/or reduction of the penalty for late payment of the FY 2010 regulatory fee is denied.

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<sup>5</sup> *Assessment and Collection of Regulatory Fees for Fiscal Year 2010, Report and Order*, 25 FCC Rcd 9278, 9291 ¶ 37 (July 9, 2010). The Report and Order listed the FY 2010 regulatory fee applicable to your station.

<sup>6</sup> *Public Notice, FY 2010 Regulatory Fees Due No Later Than August 31, 2010, Eastern Time (ET)*, DA 10-1451, 2010 WL 3133517 (Aug. 9, 2010).

<sup>7</sup> See, e.g., *WLOS Licensee, Inc., Order on Reconsideration*, 15 FCC Rcd 11047, 11048 ¶ 4 (WTB PSPWD 2000) (rejecting argument that applicant had insufficient notice of change in fee, because change was announced by public notice and other publicly available information) (citing *Supercom, Inc., Memorandum Opinion and Order*, 15 FCC Rcd 4604, 4607 ¶ 8 (2000); *Empire Broadcasting Corp., Memorandum Opinion and Order*, 25 FCC 2d 68, 69 ¶ 4 (1970)) (mere oversight or failure to be aware of the Commission's requirements will not excuse licensee from its obligation to operate in compliance with the Commission's Rules).

<sup>8</sup> *Supercom, Inc., supra* (ignorance of the Commission's rules is no excuse for noncompliance).

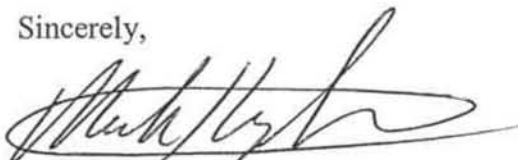
<sup>9</sup> See *Sitka Broadcasting Co., Inc.*, 70 FCC 2d 2375, 2378 (1979), citing *Lowndes County Broadcasting Co.*, 23 FCC 2d 91 (1970) and *Emporium Broadcasting Co.*, 23 FCC 2d 868 (1970); see also *NextGen Telephone* (OMD, Apr. 22, 2010); *Istel, Inc.* (OMD, Apr. 22, 2010).

<sup>10</sup> See 47 C.F.R. §1.8002(b)(2); see also *Amendment of Parts 1, 21, 61, 73, 74 and 76 of the Commission's Rules, Adoption of a Mandatory FCC Registration Number, Report and Order*, 16 FCC Rcd 16138 (2001).

<sup>11</sup> *McLeodUSA Telecommunications Services, Inc., Memorandum Opinion and Order*, 19 FCC Rcd 6587, 6589 (2004) (denying the request for waiver of 25 percent penalty).

If you have not yet paid FY 2010 regulatory fee and late penalties in full, such payment is now due. The payments should be submitted, together with a Form 159 (copy enclosed), within 30 days of the date of this letter. If you have any questions concerning this matter, please call the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Stephens', written over a horizontal line.

Mark Stephens  
Chief Financial Officer

Enclosure

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

MAR 16 2011

OFFICE OF  
MANAGING DIRECTOR

M. J. McNair, General Manager  
WLBE 790, Inc.  
32900 Radio Road  
Leesburg, FL 34788

Re: WLBE 790, Inc.  
FY 2008 Late Penalty Waiver Request  
Filed 3-4-09  
Regulatory Fee Penalty Amount: \$ 1,631.25  
Late Penalty Amount: \$ 543.75  
Date Regulatory Fee Paid: 3-3-09  
Date Late Penalty Paid: 3-3-09

Dear Mr. McNair:

This letter responds to the above-referenced request for waiver of the penalty for late payment of FY 2008 regulatory fees. For the reasons stated herein, your waiver request is denied.

You assert that you were surprised to receive a notice of late payment of the FY 2008 regulatory fee. Section 9(a)(1) of the Communications Act states that the Commission "shall assess and collect regulatory fees" to recover the costs of its regulatory activities.<sup>1</sup> Section 9(c)(1) provides that "[t]he Commission shall prescribe by regulation an additional charge which shall be assessed as a penalty for late payment of fees required" by Section 9(a) and that "[s]uch penalty shall be 25 percent of the amount of the fee which was not paid in a timely manner."<sup>2</sup> The Commission's regulations provide that "[a]ny late payment or insufficient payment of a regulatory fee, not excused by bank error, shall subject the regulatee to a 25 percent penalty of the amount of the fee . . . which was not paid in a timely manner."<sup>3</sup> For FY 2008, the deadline for paying regulatory fees was September 25, 2008.<sup>4</sup> You paid the regulatory fee at issue after the due date and therefore failed to meet this obligation.

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<sup>1</sup> 47 U.S.C. §159(a)(1).

<sup>2</sup> 47 U.S.C. §159(c)(1).

<sup>3</sup> 47 C.F.R. §1.1164.

<sup>4</sup> See *Public Notice, Payment Methods and Procedures for Fiscal Year 2008 Regulatory Fees*, 23 FCC Rcd 12849, 12849, 12851 (Aug. 26, 2008) (reminding of filing deadline and that "[i]t is the responsibility of the licensee to pay for all regulatory fee obligations by the due date, regardless of whether or not a bill is received") and *Public Notice, Fee Filer Now Available for 2008 Regulatory Fees*, 23 FCC Rcd 12857, 12857 (Aug 26, 2008) (reminding of filing deadline and late payment penalty).